IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE A.K.BASHEER

MONDAY, THE 23RD JULY 2007 / 1ST SRAVANA 1929

RP.No. 663 of 2007(M)

AGAINST THE JUDGEMENT/ORDER IN WPC.4113/2006 Dated 05/06/2007

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REVIEW PETITIONER/1ST RESPONDENT

THE MANAGER
L.P.S. OF N.H.S.SCHOOL,
IRINJALAKUDA.

BY ADV. SRI.M.R.ANISON

RESPONDENTS/PETITIONER AND RESPONDENTS 2 TO 4:

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1. LEKHA.K.R. KUMARAPILLY HOUSE,
   KUTTICHIRA P.O.,KORMALA.

2. THE HEADMISTRESS,
   L.P.S.OF NH SCHOOL,
   IRINJALAKUDA.

3. GOVT. OF KERALA, REP BY ITS
   SECRETARY, DEPARTMENT OF GENERAL EDUCATION,
   THIRUVANANTHAPURAM.

4. THE ASST. EDUCATIONAL OFFICER,
   IRINJALAKUDA.

BY ADV. SRI.P.RAVINDRAN
SRI.V.A.MUHAMMED
GOVERNMENT PLEADER SRI.A.J.VARGHESE

THIS REVIEW PETITION HAVING COME UP FOR ADMISSION ON 23/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

A.K.BASHEER, J.

R.P.No.663 OF 2007

Dated this the 23rd day of July, 2007

ORDER

This review petition is at the instance of respondent no.1 in Writ Petition No.4113/06.

2. It is contended by the review petitioner that two apparent errors have been noticed in the judgment. But, in the course of hearing learned senior counsel submits that the error pointed out in paragraph 18 of the judgment is in fact a typographical mistake which had crept in while preparing the writ petition and therefore it is not pressed.

3. However, as regards the other error which according to the petitioner, has been noticed in paragraph 14 of the judgment, it is submitted by the learned senior counsel that the observation made by this court that the manager had not bothered to seek approval from the educational officer for termination of probation of the writ petitioner as contemplated under Rule 6C even after receipt of explanation from her to the show cause notice, is incorrect. Learned

counsel submits that after receipt of the explanation from the teacher to the show cause notice, the manager had in fact addressed the Assistant Educational Officer on January 2, 2003. Though the review petitioner had not produced copy of the said communication earlier, it is now made available for my perusal. The concluding paragraph of the said communication reads thus:

> "For the reasons stated above, the undersigned decided to terminate probation and discharge Smt.K.R.Lekha from service with effect from 22.3.2001. I request you to issue orders approving the termination of probation and discharge Smt.K.R.Lekha from service with effect from 22.3.2001 onwards. Formal orders will be issued on getting approval of Educational Officer."

4. Learned senior counsel submits that the fact being as stated above, the observation in the judgment is not entirely correct. Anyhow, the above observation was made in the light of the materials available on record. It is pointed out by the learned senior counsel that the fact that the manager had sent

the communication dated January 2, 2003 to the Assistant Educational Officer is seen admitted by the petitioner in her writ petition itself. If that be the position, I do not deem it necessary to clarify the issue any further. The facts speak for themselves.

Review petition is closed.

A.K.BASHEER, JUDGE

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